

**Yukon City Council Minutes
June 17, 2014**

The Yukon City Council met in regular session June 17, 2014 at 7:00 p.m. in the Council Chambers of the Centennial Building, 12 South Fifth Street, Yukon, Oklahoma.

The invocation was given by Pastor Mark Borseth, Resurrection Lutheran Church

The flag salute was given in unison.

ROLL CALL: (Present) Ken Smith, Mayor
 Michael McEachern, Vice Mayor
 John Alberts, Council Member
 Richard Russell, Council Member
 Donna Yanda, Council Member

OTHERS PRESENT:

Grayson Bottom, City Manager	Doug Shivers, City Clerk
Tammy Despain, Assistant City Manager	Dana Deckard, Admin. Coordinator
Robbie Williams, City Engineer	Mike Segler, City Attorney
Arnold Adams, Public Works Director	John Corn, Police Chief
Mitch Hort, Community Development Dir.	Bill Stover, Sanitation Director
Gary Cooper, Information Technology Dir.	Larry Mitchell, Economic Dev. Director
Jan Scott, Parks and Recreation Dir.	Candy Schwarz, Court Clerk

Presentations and Proclamations

There were no Presentations or Proclamations.

Visitors

Rick Cacini, 1140 Landmark, Veterans Museum is progressing. Tickets are on sale for the one year gala. They are \$20 each and may be purchased from Rick or any board member. Thank you all for your continued support.

(Recess as Yukon City Council and Reconvene as Yukon Municipal Authority)

1A. YMA Consent Docket

This item is placed on the agenda so the Yukon Municipal Authority, by unanimous consent, can designate those routine items they wish to be approved by one motion. If an item does not meet with the approval of all Authority Members, that item will be heard in regular order.

The City Manager recommends a motion to approve:

- A) The minutes of the regular meeting of June 3, 2014**
- B) Payment of material claims in the amount of \$151,241.69**

The motion to approve the YMA Consent Docket, consisting of the approval of the minutes of the regular meeting of June 3, 2014 and payment of material claims in the amount of \$151,241.69, was made by Trustee McEachern and seconded by Trustee Yanda.

The vote:

AYES: Smith, Russell, McEachern, Alberts, Yanda

NAYS: None

VOTE: 5-0

MOTION CARRIED

(Adjourn as YMA and Reconvene as Yukon City Council)

1. Consent Docket

This item is placed on the agenda so the City Council, by unanimous consent, can designate those routine items they wish to be approved by one motion. If an item does not meet with the approval of all Council Members, that item will be heard in regular order.

The City Manager recommends a motion that will approve:

- A) The minutes of the regular meeting of June 3, 2014
- B) Payment of material claims in the amount of \$665,305.72
- C) Designating the items on the attached list from the Technology Department as surplus and authorizing their sale, donation or trade
- D) Accepting Oklahoma Department of Environmental Quality Permit No. SL000009140353 for the construction of approximately 1,460 linear feet of eight (8) inch sewer line and appurtenances to serve the City of Yukon Prairie West Boulevard Sewer Line Extension Project, Canadian County, Oklahoma
- E) Accepting Oklahoma Department of Environmental Quality Permit No. WL000009140354 for the construction of approximately 15 linear feet of six (6) inch, 190 linear feet of eight (8) inch and 1,210 linear feet of twelve (12) inch water lines and appurtenances to serve the City of Yukon Prairie West Boulevard Water Line Extension Project, Canadian County, Oklahoma
- F) Setting the date for the next regular Council meeting for July 1, 2014 7:00 p.m., in the Council Chambers of the Centennial Building, 12 S. Fifth St.

The motion to approve the Consent Docket, consisting of the approval of the minutes of the regular meeting of June 3, 2014; Payment of material claims in the amount of \$665,305.72; Designating the items on the attached list from the Technology Department as surplus and authorizing their sale, donation or trade; Accepting Oklahoma Department of Environmental Quality Permit No. SL000009140353 for the construction of approximately 1,460 linear feet of eight (8) inch sewer line and appurtenances to serve the City of Yukon Prairie West Boulevard Sewer Line Extension Project, Canadian County, Oklahoma; Accepting Oklahoma Department of Environmental Quality Permit No. WL000009140354 for the construction of approximately 15 linear feet of six (6) inch, 190 linear feet of eight (8) inch and 1,210 linear feet of twelve (12) inch water lines and appurtenances to serve the City of Yukon Prairie West Boulevard Water Line Extension Project, Canadian County, Oklahoma; and Setting the date for the next regular Council meeting for July 1, 2014, 7:00 p.m., in the Council Chambers of the Centennial Building, 12 S. Fifth St., was made by Council Member Alberts and seconded by Council Member Russell.

The vote:

AYES: Yanda, McEachern, Russell, Alberts, Smith

NAYS: None

VOTE: 5-0

MOTION CARRIED

2. Reports of Boards, Commissions and City Officials - None

- 3. Discussion, Consideration, and Action regarding an appeal from D.E. Brower Jr. and Niki Brower to rezone the northeast corner of NW 10th and Cornwell (2525 S. Cornwell), known as Lot 1 Block 1 Brower Law Office, from C-1 (Office District) to C-3 (Restricted Commercial District), including a recommendation to deny by the Planning Commission

The motion for Discussion, Consideration, and Action regarding an appeal from D.E. Brower Jr. and Niki Brower to rezone the northeast corner of NW 10th and Cornwell (2525 S. Cornwell), known as Lot 1 Block 1 Brower Law Office, from C-1 (Office District) to C-3 (Restricted Commercial District), including a recommendation to deny by the Planning Commission, was made by Council Member McEachern and seconded by Council Member Alberts.

Council Member Alberts asked if Mr. Brower was present. He would also like to clarify a "yes" vote would be to approve C-3 zoning. Mr. Segler stated correct.

D.E. Brower, 1416 Spring Creek, stated he is here to appeal the denial by the Planning Commission. He bought the .69 acres 11 years ago. He wants to put a law office there. He had to put plans on hold due to family. 10th St. sold for development and zoned C-3. Mayor Smith stated C-3 zoned land is in Oklahoma City. Mr. Brower listed property with realtor, but decided to develop himself. Now doesn't want to put law office there, but office and retail space. The concern is traffic, he agrees with Community Development Director about making it a right turn only to exit. Mr. Brower needs a building permit, lighting plan, signage plan, landscape plan, as well as C-3 zoning to build. He is ready, if the Council approves.

Bob Oden, 116 E. Olympic, has lived here for 25 years. He is 100% against rezone. Mayor Smith asked what his concerns are. Mr. Oden stated as a C-3, any business would be allowed. Margaret Oden stated she too is opposed to the C-3 zoning. She stated according to the City Code, C-1 is a buffer for the residential and commercial. Believes it should remain as a C-1.

Tom Dameron, 112 E Olympic, opposed for same reasons, loss of control, lighting, and traffic.

Council Member Alberts asked to hear from staff. Mr. Hort stated City Planner recommended approval due to lot size, location, and setbacks of 2 feet per foot of height. Council Member Yanda asked about maximum height. Mr. Hort stated 35 feet. Mayor Smith asked if complying with parking is there enough room. Mr. Hort stated parking not restricted by setbacks. Council Member Alberts questioned maximum square feet for that lot. Mr. Hort thinks 3,000 square feet. Council Member McEachern wanted to know how much of the property was left. Mayor Smith clarified setback on north and east sides. Mr. Hort stated 50 feet along west and south. Have to provide detention. Mayor Smith stated if City Bites where on property it would have left hand turns to enter going eastbound on 10th St. or southbound on Cornwell. Is there any other available entries? Mr. Hort stated no.

Council Member McEachern asked if property was sold at a later date, would it still be C-3. Mr. Hort stated yes. Mayor Smith clarified, even if changed to C-3 lot size is pretty restrictive. Council Member McEachern questioned deed restrictions. Mr. Hort stated yes, but they end soon, City does not enforce. Council Member McEachern clarified after sale, gas station could come in. Mr. Hort stated any C-3 use. Mayor Smith asked if a convenient store would fit on lot. Mr. Hort stated possibly.

The vote:

AYES: Alberts

NAYS: Yanda, Smith, McEachern, Russell

VOTE: 4-1

APPEAL DENIED

- 4. Consider approving a fee-in-lieu of detention in the amount of \$500.00 for Life Church, as recommended by the City Engineer**

The motion to approve a fee-in-lieu of detention in the amount of \$500.00 for Life Church, as recommended by the City Engineer, was made by Council Member Yanda and seconded by Council Member Alberts.

Council Member McEachern asked for comments from Robbie Williams. Mr. Williams said they are adding 39 parking spaces. There will be no more room to add on after the 39 parking spaces, unless property is purchased.

The vote:

AYES: Smith, McEachern, Alberts, Yanda, Russell

NAYS: None

VOTE: 5-0

MOTION CARRIED

- 5. Consider approving Resolution No. 2014-09, a Resolution of the City of Yukon, Oklahoma authorizing entering into an Interlocal Cooperative Agreement for Municipal Court Jurisdiction concerning Juveniles.**

The motion to approve Resolution No. 2014-09, a Resolution of the City of Yukon, Oklahoma authorizing entering into an Interlocal Cooperative Agreement for Municipal Court Jurisdiction concerning Juveniles, was made by Council Member Alberts and seconded by Council Member McEachern.

The vote:

AYES: Smith, Russell, Yanda, McEachern, Alberts

NAYS: None

VOTE: 5-0

MOTION CARRIED

- 6. Consider approving Ordinance No. 1298, an Ordinance which provides amendment to the Code of Ordinances of the City of Yukon, Oklahoma by adding a section prohibiting the possession and/or use of Tobacco products and Electronic Smoke devices in certain public buildings and on certain public properties.**

The motion to approve Ordinance No. 1298, an Ordinance which provides amendment to the Code of Ordinances of the City of Yukon, Oklahoma by adding a section prohibiting the possession and/or use of Tobacco products and Electronic Smoke devices in certain public buildings and on certain public properties, was made by Council Member Russell and seconded by Council Member Alberts.

Mayor Smith stated Ordinance states certain places. Is there any reason it's not all places? Mr. Segler stated title says certain, body says all. Council Member Alberts questioned effect on park user who smokes. Mr. Bottom stated person using tobacco or electronic smoking device will be asked to extinguish or dispose of product. Mr. Segler stated all City property is non-smoking and some public areas. Mayor Smith clarified only change is adding electronic smoking devices.

The vote:

AYES: McEachern, Yanda, Alberts, Smith, Russell

NAYS: None

VOTE: 5-0

MOTION CARRIED

- 6a. Consider approving the Emergency Clause of Ordinance No. 1298**

The motion to approve the Emergency Clause of Ordinance No. 1298, was made by Council Member Alberts and seconded by Council Member McEachern.

The vote:

AYES: Yanda, Alberts, McEachern, Russell, Smith

NAYS: None

VOTE: 5-0

MOTION CARRIED

7. Consider approving Resolution No. 2014-10, a Resolution establishing a Format and Rules of Order for the Conduct of City Council Meetings and Repealing Conflicting Resolutions

The motion to approve Resolution No. 2014-10, a Resolution establishing a Format and Rules of Order for the Conduct of City Council Meetings and Repealing Conflicting Resolutions, was made by Council Member Alberts and seconded by Council Member Yanda.

Council Member Alberts stated great idea, giving access with rules, helps citizens. Council Member McEachern questioned the implementation. Mr. Bottom stated documents included, will be at back of room and available at City Hall. Mayor Smith stated kudos to staff for developing details. Fair to all and helps with good decisions. Council Member McEachern asked Mr. Segler, if he is comfortable with Resolution. Mr. Segler stated very comfortable.

The vote:

AYES: McEachern, Alberts, Russell, Yanda, Smith

NAYS: None

VOTE: 5-0

MOTION CARRIED

8. Consider awarding the contract for the Year 12 Community Development Block Grant (CDBG) Small Cities Set Aside Roadway Replacement Project, to Bishop Paving Co., in the amount of \$107,000.00, as recommended by the City Engineer

The motion to award the contract for the Year 12 Community Development Block Grant (CDBG) Small Cities Set Aside Roadway Replacement Project, to Bishop Paving Co., in the amount of \$107,000.00, as recommended by the City Engineer, was made by Council Member Alberts and seconded by Council Member Yanda.

The vote:

AYES: Russell, McEachern, Alberts, Smith, Yanda

NAYS: None

VOTE: 5-0

MOTION CARRIED

9. Consider selecting a Yukon City Council representative for the Chamber Board of Directors for the term of July 1, 2014 through June 30, 2015

Council Member Yanda made a motion to nominate Council Member McEachern for the Chamber Board of Directors for the term of July 1, 2014 through June 30, 2015, seconded by Council Member Alberts.

The vote:

AYES: Alberts, McEachern, Smith, Russell, Yanda

NAYS: None

VOTE: 5-0

MOTION CARRIED

- 10. Consider approving the Mayor's nomination of a Yukon City Council representative, for the Yukon Economic Development Authority Trustee No. 2, for the term of July 1, 2014 through June 30, 2020 properties.**

Mayor Smith made a motion to nominate Council Member Alberts for the Yukon Economic Development Authority Trustee No. 2, for the term of July 1, 2014 through June 30, 2020, seconded by Council Member McEachern.

The vote:

AYES: Yanda, Russell, Smith, McEachern, Alberts

NAYS: None

VOTE: 5-0

MOTION CARRIED

- 11. Consider approving a Conditional Use Permit for Dean Walker, for a manufactured home on his property located at 7600 N Cimarron Rd, as recommended by the Planning Commission**

The motion to approve a Conditional Use Permit for Dean Walker, for a manufactured home on his property located at 7600 N Cimarron Rd, as recommended by the Planning Commission, was made by Council Member Alberts and seconded by Council Member Russell.

The vote:

AYES: Smith, McEachern, Russell, Alberts, Yanda

NAYS: None

VOTE: 5-0

MOTION CARRIED

- 12. City Manager's Report – Information items only**

A. Sales Tax

Mr. Bottom stated it is the end of the budget year. Sales Tax had an increase of 7.52% for month and 5.18% year to date. This includes \$290,000.00 deduction for January 08 thru Dec 2010. Good year and anticipate better year moving forward.

Concerts in the Park started last week. We will have three more movies and concerts every Thursday throughout the summer, as well as, Friday Fun Day. Veteran Celebration will be July 3 and Freedom Fest on July 4. You don't want to miss it. Mr. Bottom stated he would have 20 family members from outside of Yukon attending this event.

- 13. New Business-None**

- 14. Council Discussion**

Council Member McEachern stated it has been a good year. Hobby Lobby's opening is a good sign. He would like to Congratulate Mr. Cooper on Surplus equipment. He appreciates his and staff's efforts. He is looking forward to July 4.

Council Member Russell stated it is a neat time in Yukon with all the development. Splash Pad is a big hit.

Council Member Yanda is excited about the growth. Best is yet to come.

Mayor Smith reminded community of odd-even watering. Please do not drain pool into the City streets. Please be environmentally conscious.

15. Consider a motion to recess as the Yukon City Council and convene into Executive Session, for discussing the purchase or appraisal of real property, as provided for in 25 OS 2003, Section 307 (B) (3); and for discussing a pending action or litigation, as provided for in 25 OS 2003, Section 307 (B) (4)

The motion to recess as the Yukon City Council and convene into Executive Session, for discussing the purchase or appraisal of real property, as provided for in 25 OS 2003, Section 307 (B) (3); and for discussing a pending action or litigation, as provided for in 25 OS 2003, Section 307 (B) (4), was made by Council Member Alberts and seconded by Council Member McEachern.

Mayor Smith invited the City Manager and City Attorney into meeting.

The vote:

AYES: Russell, Smith, McEachern, Yanda, Alberts

NAYS: None

VOTE: 5-0

MOTION CARRIED

16. Consider a motion to adjourn from Executive Session and reconvene as Yukon City Council

The motion to adjourn from Executive Session and reconvene as Yukon City Council, was made by Council Member Alberts and seconded by Council Member McEachern.

Mayor Smith then read the minutes of the Executive Session, stating "While in Executive Session, only the items on the agenda were discussed, no action was taken, and no votes were cast."

The vote:

AYES: McEachern, Yanda, Alberts, Smith, Russell

NAYS: None

VOTE: 5-0

MOTION CARRIED

17. Adjournment



Doug Shivers, City Clerk



Ken Smith, Mayor